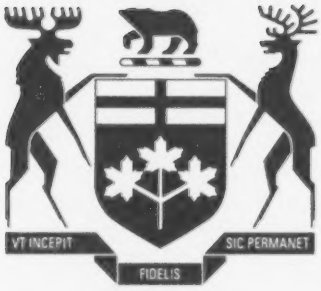

Ontario

Criminal Injuries Compensation Board

36th Annual Report
2010 - 2011

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TABLE OF CONTENTS

CHAIR'S MESSAGE 2010-11	4
PERFORMANCE SUMMARY	11
KEY PERFORMANCE DATA	12
HEARINGS	14
COMPENSATION AWARDS	16
LUMP SUM AWARDS BY TYPE OF BENEFIT	17
AVERAGE AWARD TEN YEAR TREND	17
LUMP SUM AWARDS BY TYPE OF OFFENCE	20
OFFENCE CODING	
FINANCIAL SUMMARY	21
PROGRAM DESCRIPTION	24
THE PROCESS	27
BOARD CHAIR AND VICE CHAIRS	28
BOARD MEMBERS	28
CICB BOARD SUMMARIES	31
CONTACT INFORMATION	39

CHAIR'S MESSAGE

Introduction

I am very pleased to present the 36th Annual Report of the Criminal Injuries Compensation Board. Through dedication and commitment to victims of crime, staff and Board members have achieved many positive results over the past fiscal year.

2010-11 marked the second year of a three year strategic plan to transform the Board's operations to be faster, more efficient and more user-friendly for victims and their family seeking compensation. We have made several significant changes to our claims processing system that have lead to dramatic improvements in our service.

The commitment with which Board members, staff and management approach their work leads to an environment where creativity and innovation lead to better public service. The inspired results that the Board is now achieving would not be possible without their hard work and dedication. They are tireless in their desire to be accessible, fair and responsive.

Throughout 2010-11, the Board launched many innovations to better serve the public. Some of the most significant advancements we have made are as follows:

Transformation of Claims Processing Model

One of the Board's greatest long-term challenges has been to sustain a claims process that is quick, efficient and user-friendly. While a number of factors that enable optimal claims processing fall outside the Board's control (e.g. the speed with which important documentation can be obtained from service providers, the volume of applications), we know that organizational design is also an important variable in our overall performance.

For many years, the Board has utilized a functional organizational structure and a linear organizational design to deliver service. All applications have moved the same way through four distinct processing phases, corresponding with different functional units; claims receipt and preliminary review, information gathering, hearings scheduling, and hearing/order completion.

In studying our organizational design and assessing it against the needs and expectations of victims for a fast, straightforward process, we decided that alternative systems could and should be considered. This has led us to try a new "triage" system of addressing claims.

Triage is a concept that is widely used and accepted in fields engaged in processing a high volume of matters (e.g. claims, legal proceedings, etc). Perhaps the most commonly known use of triage involves medical triage where hospital personnel assess patients and prioritize them in terms of the timing and type of treatment they require.

In our case, triage refers to a system where staff members work collaboratively in geographically-based teams to process applications associated with a region. Each team is also assigned Board members who can provide adjudicative direction and decisions quickly on a number of pre-hearing matters.

In this model, multiple tasks can be performed simultaneously by different members of the team thereby providing faster, more comprehensive service to victims. Further, claims can more easily be assessed to identify those which require immediate or unique handling.

In September 2010, the Board commenced a pilot triage project with the creation of a Toronto and Northern Ontario triage team. From October 2010 to March 2011 the team studied the Board's current claims processing procedures, identified several innovations and implemented more than 30 practical process changes.

As a result of the team's efforts, the Board reduced significantly its time to process files (both regular and extension claims) and increased substantially the volume of claims ready for hearing. The in-year improvement signalled that a team-based organizational model holds much promise for delivering better client service. In April 2011, we expanded the pilot project to include two new triage teams; one for the East and Central Eastern region and the other for the West and Central West of the province.

The new teams are continuing to learn how to maximize the benefit of working collaboratively and identifying further service improvements. The results of triage thus far have been outstanding and we are currently looking at how to fully incorporate these benefits into our operations.

We are also looking forward to using a regional design to strengthen our relationship with community and regional service providers.

Delivering Decisions Orally

The Board's practice had been to provide written reasons for decisions in all cases. Even where an oral hearing had been held and the parties were present to hear the decision, the Board would reserve its decision until full written reasons could be prepared. The completion of written reasons in every case resulted in delay. Since most Board decisions involve awarding compensation, the delay is primarily felt by victims who have to wait longer to receive the funds they need. At the same time, the number of cases Board members can hear is reduced to account for the time needed to write sometimes lengthy reasons.

Since January 2011, we have been experimenting with delivering reasons for decision orally at the time of a hearing. Preliminary results have been extremely positive.

We are also receiving feedback from applicants and their representatives that they find it helpful to bring closure to the process on the same day as the hearing.

Further, those who are awarded compensation by oral decision usually receive their award within three to four weeks, instead of waiting up to five months for full written reasons to be prepared.

We will be assessing the long-term potential of this initiative over the coming months and may incorporate it permanently into our service delivery model in 2011-12.

Application Forms Available On-line

On July 1, 2010, the Board introduced two new application forms and posted them to our website. One is for applications associated with injuries and the other for those associated with a death. http://www.cicb.gov.on.ca/en/faq.htm

Along with the forms, we created helpful guides to assist applicants in completing the forms. Before introducing these new documents, we sought input from 250 organizations and services providers working with victims. We are grateful to those who offered their insight, and in so doing, helped us improve these products for victims.

This is the first time in the Board's history that members of the public have had access to application forms without needing to first contact the Board. While we still mail out forms to those who ask, many individuals obtain the forms themselves directly from the website. This reduces the time and effort necessary for them to start the application process.

The new application forms, along with the guides, contain all of the details necessary for the Board to proceed with the claim.

In the past, we usually needed to send out a number of supplementary materials after receiving an application. This frequently created confusion and delay for victims. With the new forms, all of the information is contained in one place. Also, the new forms make it easier for applicants to address more than one alleged crime of violence on one application rather than requiring them to file multiple claims.

Currently, we are researching the possibility of further streamlining the applications by developing a capacity for completing them electronically. We expect that, by the end of 2011-12, we will have a plan in place for achieving that goal.

Updated Rules of Procedure

In November 2010, the Board updated its Rules of Procedure which were last revised in April 2008. We relied heavily on the model rules developed by the *Society of Ontario Adjudicators and Regulators*, as well as those of other Ontario adjudicative tribunals to inform our revisions.

The new Rules are more expansive than the previous version and provide more guidance for parties. While they do not create substantive rights, they do clarify a number of common procedural matters and formalize existing powers conferred by the *Statutory Powers Procedure Act* or the *Compensation for Victims of Crime Act*.

Just as we did with the application forms, the Board sought input on the draft rules from stakeholders across the province and we thank those stakeholders who provided us with their thoughtful input.

Improved Access to Police Information

The Board is dependent upon access to police and criminal court information to process claims. The faster we can obtain that information, the faster we are able to proceed to hearing. In the past, delays in obtaining police or court material have led to increased frustration for victims who are trying to access compensation quickly.

Over the past year, we have discovered new ways of obtaining the information we need quickly. In September, we commenced a pilot project in the Northern region of Ontario whereby police services can provide us with relevant records and documents without needing to complete our standard Police Questionnaire form.

Completing the Police Questionnaire is often time-consuming for officers and is usually repetitive of information contained in other documents. Further, we have noted that sometimes the information provided in the questionnaire is not sufficiently detailed to allow the Board to adjudicate the claim without summoning the officer to a hearing.

In an attempt to streamline the process and reduce the number of requests made of the officers, we are experimenting with permitting police services to provide us with existing documentation that describes the incident, the investigation and the status of court proceedings instead of routinely completing our questionnaire.

In most cases, this information has been sufficient to enable the Board to move forward with the application without needing to hear further from the investigating officer. However, if further information is required, a staff member makes contact with the investigating officers by phone.

We are happy to report that this pilot project has proven to be very successful. We are receiving information from police services within days instead of weeks or months and the responses are frequently more fulsome.

Since the pilot project has been so successful, we are now expanding its scope to other regions of the province and have started approaching several other police services regarding their willingness to engage in this new process.

Key Operational Results

Many innovative changes have allowed the Board to complete more claims and in a shorter period of time than in previous years. A total of 3,948 hearings took place in 2010-11, the largest number the Board has ever achieved. (See the Chart on regarding *Number of Hearings and Award Totals*).

Average processing time from receipt of application to receipt of award was 19 months for claims filed within the two year limitation period compared to 24 months in 2009-10. Similarly, claims filed outside the limitation period had an average processing time of 24 months for the year compared with 30 months last year. It is also interesting to note that the results were even better for the last two quarters of 2010-11. In Q4, for example, it took 18 months to process a claim filed within two years of the incident and 21 months for those filed beyond the limitation period.

The Board received 3,667 applications in 2010-11 compared to 4,031 in 2009-10, a reduction of 9%. Two key process changes have contributed to this decrease. First, with the introduction of the new application form in July 2010, applicants who would have been required to file multiple separate claims were able to do so in one consolidated application. Secondly, the Board's revised Rules of Procedure clarified that, where applications are missing certain crucial information, they are not counted as filed until that information is provided. This change would have affected some applications being received at the end of the year since the Rules came into force in November.

In total, the Board awarded $30.9 million in 2010-11. In 2009-10, it awarded $32.2 million. The average award was $8,374 for cases in which compensation was awarded. The average award was $7,303 for all cases heard (i.e. where compensation was either granted or denied).

Compensation in Cases of Death

In the latter part of 2010-11, there was considerable media coverage regarding compensation available for family members of homicide victims. These are some of the most tragic cases with which the Board deals. These stories generated requests for clarification from the public for which the Board would like to respond.

The Board awards millions of dollars in financial assistance each year to victims, those financially supporting victims and to the family members of homicide victims. The range of eligible compensation and the circumstances in which it may be provided by the Board are defined by law in the *Compensation for Victims of Crime Act* ("the Act").

It is inaccurate to state that family members of murder victims are only eligible for compensation where they witness the event as some media have suggested. The range of eligible compensation for family members includes funeral expenses and the costs of bereavement counselling and, where the deceased had a financially dependent spouse or children at the time of death, support payments for those dependants.

Many people believe that the compensation available through the Act is too modest. They may like to see more money awarded to more people and under more circumstances. Others may express a contrary view. As Board members and staff, we are tasked with administering the Act as it is given to us and interpreted by the courts. That is our job.

It goes without saying that victims of violent crime, their families and other loved ones deserve to be treated with compassion and sensitivity by the public agencies and organizations with whom they interact. The staff and adjudicators of the Board strive to do so by making our process as clear and user-friendly as possible and by explaining as compassionately as possible the parameters within which compensation is available.

We understand that our explanations don't always accord with an applicant's wishes or expectations.

Finally, it is worth clarifying that all funds awarded by the Board are paid from tax dollars through the Consolidated Revenue Fund. No amount of Board compensation is paid from the fines and surcharges that are levied against offenders and put into the Victim Justice Fund.

In April 2011, the Ontario government announced a temporary program to

provide additional financial assistance to parents and spouses of homicide victims and that further legislative review in the area of homicide would be undertaken.

What Lies Ahead

The staff, management and members who comprise the Board remain highly committed to achieving a victim-sensitive process that enables us to deliver fair, effective adjudication of claims within 12 months of application. In 2010-11, 3% of all claims completed were completed within 12 months. This small figure signals real progress. We know that, with continued effort and support from the Ministry, our goal is attainable. We are better aligning the Board's resources through the triage claims processing model to help achieve even better results. We remain hopeful that others will support us in this endeavour.

One possible impediment to the goal relates to the Board's administrative budget and approved staff levels. A broader public service fiscal restraint exercise demanded a reduction across government. Given the tremendous results we forecasted due to triage, we were able to accommodate a reduction in staff that was higher than what would have otherwise been expected of us. We did, however, signal further reductions in staff could have serious consequences for our continued good results. To keep our current momentum and achieve the 2011-12 performance goals of hearing 4,000 cases with an average timeline of 18 months, the Board will provide the Ministry with a business plan that sustains our improved service to victims of violent crime in Ontario.

To be sure, the Board has become more efficient and more effective. Its staff and management team are now clearly focussed on productivity. The Board is delivering better service to the public with a lower number of staff. However, there can be no question that an unexpected reduction in the Board's staff complement would have an adverse impact on our ability to complete our transformation project. The Board will not be well placed to sustain the level of output necessary to keep pace with the volume of applications received.

We are continuing to develop strategies for ensuring that the tremendous operational performance gains we have achieved over the last three years for victims of violent crime in Ontario are not eroded.

Maureen Armstrong
Chair,
Criminal Injuries Compensation Board

PERFORMANCE SUMMARY

The Board's 2010-11 operational performance targets were to hold 4,000 hearings and have an average timeline from receipt of an application to order release of 21 months. Overall, these 2010-11 performance targets were substantively met. 3,948 hearings took place and the average timeline was 21 months.

In-year performance improved during the year. Q4 results were perhaps the best the organization has achieved to date. Based on Q1 results, the year-end projected timeline was a disappointing 27 months and our volume of claims processed by the end of July was at its lowest levels in over three years. In order to ensure that the Board's approved strategic goals and operational targets were met, various interim administrative projects related to processing claims and scheduling hearings were developed and implemented on an urgent basis. Given additional management oversight, the Board's performance was significantly improved.

CICB Operational Performance Analysis for 2010-2011

2010-2011		Regular	Extensions	Overall
Q1	(Apr, May, Jun)	24.9 months	31 months	26.6 months
Q2	(Jul, Aug, Sep)	21.5 months	24.1 months	22.2 months
Q3	(Oct, Nov, Dec)	17.7 months	22 months	20.4 months
Q4	(Jan, Feb, Mar)	17.9 months	20.7 months	18.6 months

In September, Phase One of the Board's Regional Triage Team Pilot Project commenced. It focused on practical improvements to the service the Board offers to victims and a collaborative, team-based working arrangement. The pilot team implemented changes to reduce administrative delay so that the Board can, over the longer term, achieve a 12 month claims process. With realignments and a new focus on collaborative team-based operational productivity, dramatic improvements were made. The changes produced immediate results.

Over the course of the year, we were able to reduce significantly the average timelines for completing applications.

- In Q1, claims filed within the two year limitation period averaged 24.9 months to complete. In Q4, that average was 17.9 months for an in-year improvement of 28%.

For claims requiring an extension decision because they were filed more than two years from the date of the incident, the in-year improvement was also substantial.

- In Q1, the average timeline was 31 months whereas in Q4 it was 20.7 months for an in-year improvement of 33%.

For the year overall, it took an average of 19 months to complete regular claims and 23 months for "extension" claims.

For the fourth consecutive year the average time for the completion of Board Orders has improved. In 2010-11 the timeline fell by 12.5%. Since 2006-07 the time taken to complete claims has fallen by more than half.

Fiscal Year	Average Timeline to Complete Regular Claims	Timeline Reduction (since 2006-07)
2006-07	approximately 39 months	--
2007-08	approximately 32 months	7 months
2008-09	approximately 27 months	12 months
2009-10	approximately 24 months	15 months
2010-11	approximately 19 months	18 months

Phase Two of the triage pilot project commenced in April 2011 with the creation of two more regional teams. This expansion will assist the Board in reaching a twelve month claims process. In 2011-12, we expect to complete 4,000 claims with an average timeline of 18 months.

KEY PERFORMANCE DATA

	2007-08	2008-09	2009-10	2010-11
Claims Received	4,321	4,026	4,031	3,667*
Number of Hearings	3,466	3,859	3,792	3,948
Number of Files Completed	2,598	3,505	3,548	3,593
Average time (days) between Hearing and Completion of Order	50	37	32	28
Average Award	$10,761	$10,085	$7,798	$7,303 **
Total Number of Claims with Monthly Periodic Payment Awards	258	297	282	245
Average Time (days) from Application to Hearing a) Where Claim Filed within Two Year Statutory Limitation Period	853	680	680	459 ***
b) Where Claim Filed Beyond Two Year Limitation Period	1,093	881	843	565
Average Time (days) from Application to Award a) Where Claim Filed within Two Year Statutory Limitation Period	928	812	726	582
b) Where Claim Filed Beyond Two Year Limitation Period	1,187	1.016	888	704

NOTES:

* On July 1st, 2010, CICB introduced a new on-line application form which allows applicants to apply for multiple matters in one application form where, in the past, they would have been required to file more than one application. This new procedure has reduced the number of claims received in 2010-11.

**The average award was $8,374 for claims for which an award was granted. The average award for all claims (including denials) was $7,303.

***This represents a 32.5% improvement for regular claims. If "re-opened" files (those files that were closed for a period of time and then re-started) are part of the timeline calculation the improvement is reduced to 22%. Extension Claims realized a 33% improvement in administrative time taken -- or 28% if the assessment includes "re-opened" files.

HEARINGS

A CICB hearing can be conducted either in writing or orally. In 2010-11, the Board scheduled 4,125 hearings and completed 3,948.

Hearings Location Breakdown

Region	Location	% of Oral Hearings
Toronto*	Toronto	39.1
East & Central East	Belleville, Cornwall, Kingston, Ottawa, Orillia, and Peterborough	22.2
West & Central West	Kitchener, London, Windsor, Hamilton, and St. Catharines	25.6
North West & North East	Kenora, North Bay, Sault Ste. Marie, Sioux Lookout, Sudbury, Thunder Bay, and Timmins	13.1

* The Regional Triage Team Pilot Project defines Toronto by the City of Toronto's official boundaries. However, the Board maximized its 250 Dundas St W. hearings location by scheduling Toronto hearings for those in the Greater Toronto Area (e.g. Brampton, Newmarket, etc.).

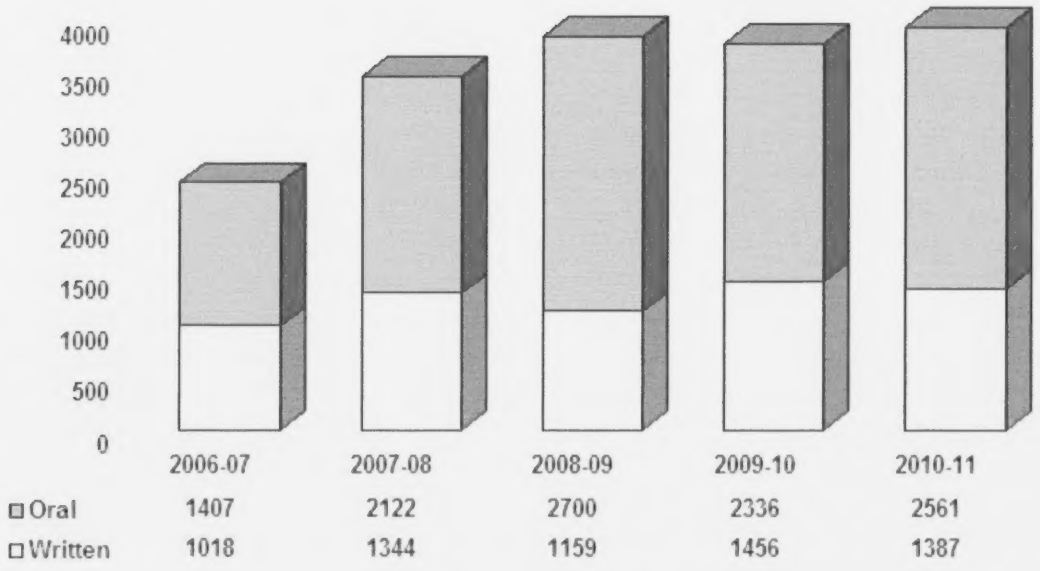
The number of hearings held increased 4% from the previous year representing an increase of 94.2% over the hearings total in 2006-07. 65% were oral hearings and 35% were written hearings. Average timeline from receipt of application to hearing date was 16 months. The Board continues to pursue all options for hearings (written, electronic and oral) to reduce delay. Generally, the Board elects which mode of hearing will be held. However, applicants have the option of choosing an oral hearing if they wish.

CICB Operational Performance (# of Hearings) over Four Fiscal Years

Year	# of Hearings	Oral (%)	Written (%)
2007-08	3092	61%	39%
2008-09	3859	70%	30%
2009-10	3792	62%	38%
2010-11	3948	65%	35%

The following chart shows the number and type of hearings held in 2010-11, with comparative results for the previous five years.

Hearings Held by Type



	2006-07	2007-08	2008-09	2009-10	2010-11
Oral	1407	2122	2700	2336	2561
Written	1018	1344	1159	1456	1387

COMPENSATION AWARDS

The Board may order lump sum or periodic awards. Lump sum awards represent one time payments made to an eligible claimant. These include those awarded under Section 14 (interim awards), Section 25 (variation awards) and Section 22 (costs) as well as payments for medical reports used in support of the claim. Periodic payments are provided monthly. Some victims with particularly serious injuries may receive periodic payments for years, or even decades up to a maximum of $365,000.

Overall, the average award in 2010-11 was slightly lower than it was in 2009-10. In fiscal years 2006-07 and 2008-09 record high average awards were recorded that were inconsistent with the Board's long term trend. The 2009-10 and 2010-11 figures signal a return to the historical trend. It is also noted that the Ministry's Victim Quick Response Program (VQRP) continues to meet some of the financial needs that previously would have been paid by the CICB, thereby reducing the total compensation requests for these clients.

Recently, we have been studying our statistics with a view to ensuring that we can provide the public with the most reliable information about our work. With respect to awards, we have identified two issues that require further study.

- First, the Board's published average award figures have at times been calculated based on the total number of decisions rendered. In doing so, they have included cases where an award was denied. As a result, the average dollar amount received by applicants when an award is granted is actually higher than the reported figures.

- Secondly, the average award amount includes costs associated with bringing an application. Where the Board awards costs for items such as travel to the hearing, legal fees and disbursements, these amounts have been included in the award figure. We believe that cost awards are more accurately reflected separately. Over the next fiscal year, we will be reviewing these statistics in greater detail and making appropriate amendments.

The following chart offers a 15 year retrospective on the Board's compensation awards to victims of violent crime in Ontario:

CICB Number of Hearings and Award Totals

Fiscal Year	# of Hearings	Award Totals
1996-97	3,434	$13.1 M
1997-98	2,905	$14.4 M
1998-99	2,390	$12.5 M
1999-00	2,205	$13.7 M
2000-01	2,498	$16.7 M
2001-02	2,134	$13.8 M
2002-03	1,716	$17.6 M
2003-04	2,424	$17.6 M
2004-05	2,654	$21.0 M
2005-06	2,321	$18.3 M
2006-07	2,425	$22.3 M
2007-08	3,461	$31.0 M
2008-09	3,859	$43.7 M
2009-10	3,792	$32.1 M
2010-11	3,948	$30.9 M
TOTALS	**42,166**	**$318.7 M**
Average	**2,811**	**$21.2 M**

Compensation may be awarded for:

- expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;
- pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work;
- pecuniary loss incurred by dependents as a result of the victim's death;
- pain and suffering;
- support of a child born as a result of rape; and
- other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

The following chart offers a 3 year comparison on the Board's compensation awards to victims of violent crime in Ontario for lump sum awards:

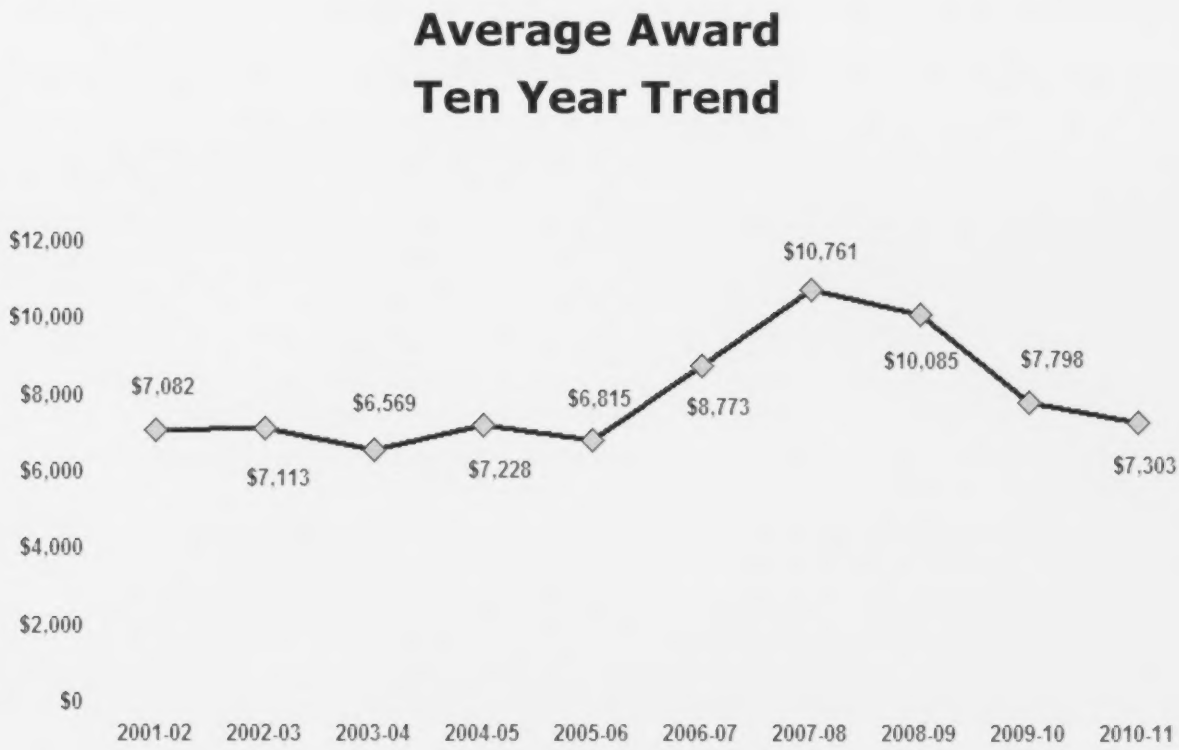
LUMP SUM AWARDS BY TYPE OF BENEFIT

AWARDS ($000's)	2008-09	2009-10	2010-11
Pain and Suffering	$36,227	$25,982	$25,246.0
Loss of Wages	$950	$754	$619.8
Medical Expenses [1]	$1,656	$1,103	$1,157.6
Funeral Expenses	$724	$473	$325.9
Legal Expenses Associated with Application	$68	$70	$82
Other Pecuniary Loss	$369	$189	$253
Other [2]	$931	$1,037	$1,044.2
Total	**$40,677.3**	**$29,532.4**	**$28,728.5**

NOTES:

1. Medical Expenses include (dental expenses, counselling fees and ambulance fees) as well as the costs associated with obtaining medical reports in support of the application.
2. Other includes all Section 14 interim awards, Section 25 awards and the costs associated with obtaining reports in support of a Section 25 variation request.

The following graph outlines the trend for CICB's awards to victims of violent crime in Ontario for lump sum awards:

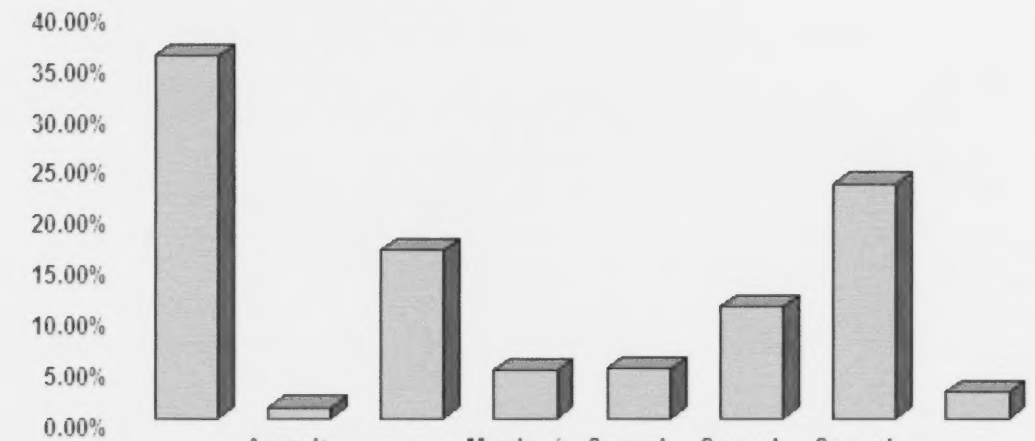


During 2010-11, the Board reviewed and updated its approach to capturing data about offence types in order to:

- assist with issue identification and claims processing;
- better assess performance issues based on the nature of the violent crime;
- develop more accurate information with which to inform the public

There have been no material changes in the type of offence claim awarded at the Board in the past several years.

LUMP SUM AWARDS BY TYPE OF OFFENCE



NOTES:
"Sexual Assault, Historical" refers to all sexual assault claims filed beyond the two year statutory limitation period.
"Other" includes arson, robbery, kidnapping and criminal harassment

A working group assessed best practices of previous statistical capture activities and considered what information would best contribute to the Board's knowledge management activities. Major offence types (with significant *Criminal Code* penalties) and those outlined in the CVCA were included. Matters of sexual abuse, child abuse and domestic assault were deemed especially important for tracking. Unfortunately, this work was not completed in time to enable us to reflect new offence types in this report. However, the new list of offence categories can be found below.

OFFENCE CATEGORIES

Arson	Injury caused by fire that was intentionally set.
Assault, Single	Single physical assault on an adult
Assault, Multiple	Multiple physical assaults on an adult (by same Alleged Offender or multiple Alleged Offenderss – domestic assaults excluded)
Assault Peace Officer	Assault on a police officer or other peace officer.
Assault, Domestic, Single	Single physical and/or sexual assault within the context of a relationship (includes common law, girlfriend/boyfriend & same sex)
Assault, Domestic, Multiple	Multiple physical and/or sexual assaults within the context of a relationship (includes common law, boyfriend/girlfriend & same sex)
Assault, Child, Single	Single physical assault on child under the age of 16 (includes adults filing for incidents that occurred when they were under the age of 16)
Assault, Child, Multiple	Multiple physical assaults on child under the age of 16 (includes adults filing for incidents that occurred when they were under the age of 16)
Death	Homicide or Criminal Negligence Causing Death
Sexual Assault, Single	Single sexual assault on an adult.
Sexual Assault, Multiple	Multiple sexual assaults on an adult (by same Alleged Offender or multiple Alleged Offenderss – domestics excluded)
Sexual Assault, Child, Single	Single sexual assault on child under the age of 16 (includes adults filing for incidents that occurred when they were under the age of 16)
Sexual Assault, Child, Multiple	Multiple sexual assaults on child under the age of 16 (includes adults filing for incidents that occurred when they were under the age of 16)
Sexual Assault & Domestic Assault, Multiple	Multiple sexual/physical abuse & domestic abuse by *different* Alleged Offenders. Age of victim irrelevant (i.e. Incidents that occurred while a child can be coupled with those that occurred in adulthood).
Other	Anything else

Multiple incident claim types involving 'assault domestic' and 'sexual assault' were deemed a high priority. The new list of Offence Codes reflects as much as possible the types of claims described in the new application form. Claims involving multiple incident types are usually coded based on the most serious offence.

FINANCIAL SUMMARY

The funds allocated to the Board for awards and operating expenses come from the Consolidated Revenue Fund. In the table below, "Transfer Payments" refers to awards that go directly to victims. The other expenses are operating expenses used to administer the program.

For 2010-11, the Government of Ontario provided funding to allow for payment of awards, the remaining balance of cases outstanding prior to April 1, 2008, based on an average award of $10,085, as well as the recognition of the expense of new cases initiated in 2010-11 to be compensated in future fiscal years. The total transfer payment expense of $17.73 million reported for 2010-11 includes this accrual, plus the amount of periodic and medical expense payments made during the year.

Actual compensation award payments totalled $30.94 million in 2010-11, of which $4.08 million pertained to pre-2008 claims, $11.76 million to 2008-2009 claims, $9.58 to 2009-10 claims and $0.68 million to 2010-11 claims.

Comparative Financial Summary – Accrual Basis

	Fiscal Year (April 1 – March 31)	
Account Item	**2009-10 Actuals**	**2010-11 Actuals**
Salaries and Wages	$3,884,072	$3,994,331
Employee Benefits	$630,134	$619,457
Transportation and Communications	$471,975	$461,853
Services	$2,388,237	$2,544,022
Supplies and Equipment	$59,449	$48,983
Transfer Payments	$20,888,270	$17,734,719
Total	$28,322,137	$25,403,366

FINANCIAL SUMMARY (cont'd)

	2009-10 Year End Balance	2010-11 Year End Balance
TP Backlog Cases Accrued Liability	$4,852,184	$776,505
TP 2008-09 New Cases Accrued Liability	$14,511,547	$2,753,767
TP 2009-10 New Cases Accrued Liability	$19,416,860	$9,839,035
TP 2010-11 New Cases Accrued Liability		$17,744,548
Total Backlog & New Cases Accrued Liability	$38,780,591	$31,113,855
TP Periodic Payments Accrued Liability	$28,462,933	$22,939,651

NOTES:

In 2011-12, the Board will engage an independent third party to conduct a detailed review of its various accrued liability formulae and offer recommendations on validating the methodology for assessing the Board's caseload. This review will assist the Board in ensuring that its operations are supported by an updated and accurate determination of the potential liability of existing claims to be processed under the CVCA, in addition to the cost of the human resources required to process these claims, using the existing guidelines and policies.

PROGRAM DESCRIPTION

Overview

The Criminal Injuries Compensation Board is a quasi-judicial administrative tribunal that provides compensation to victims of violent crime occurring in the Province of Ontario. The Board is governed by the *Compensation for Victims of Crime Act* and it follows the rules and procedures set out in the *Statutory Powers Procedure Act*. It is subject to the *Freedom of Information and Protection of Privacy Act*.

Applications may be made by or on behalf of victims who have been injured, and for expenses and for pecuniary loss incurred as a result of death arising from a criminal act as defined under the *Criminal Code*. Applicants must prove on a balance of probabilities that a violent crime took place, causing an injury or death, and any financial loss associated with the injury or death. Where a person has been criminally convicted of the crime, that conviction is deemed conclusive evidence that the offence has been committed.

All claims must be filed with the Board within two years from the date of the incident. In certain circumstances, the Board may decide to extend the time limit where it is warranted. The Board will consider several factors including the length and the reasons for the delay, and whether adequate evidence is available to support the claim. An extension request must be made and approved in order to move the claim forward.

In assessing whether to give compensation and the amount to award, the Board considers all of the circumstances surrounding the incident including whether the victim's behaviour caused or contributed to the injury or death, whether the victim reported the incident promptly to the police and cooperated with any investigation, and if the victim has received compensation or benefits from some other source.

Who is Eligible for Compensation?

- Individuals who have been injured as a result of a crime of violence committed in Ontario; examples of a violent *Criminal Code* offence include assault, sexual assault, and dangerous use of a firearm.
- Individuals who are responsible for the care of a victim of violent crime and suffered a loss of income or had expenses as a result of the victim's injury or death.
- Individuals who are the dependants of a deceased victim (in the case of a murder).

- Peace officers injured while attempting to arrest a person, or individuals injured while trying to prevent a crime or while helping a police officer make an arrest.

What compensation is available:

- Expenses actually and reasonably incurred or to be incurred resulting from the victim's injury or death.
- Emergency medical, dental or counselling expenses, funeral expenses and support.
- Loss of wages generally to a maximum of $250 per week to a maximum of $1,000 per month, as a consequence of the total or partial disability affecting the victim's capacity to work.
- Pecuniary loss to the dependents of a deceased victim.
- Pain and suffering.
- Maintenance of a child born as a result of a sexual assault.

The Board does not award compensation for the following:

- Damaged or stolen property.
- An accident involving a motor vehicle (i.e. drunk driving or hit and run).
- Legal fees for criminal court and/or civil suits.
- Distress of attending criminal court.
- Workplace accidents (claim should be filed with the Workplace Safety and Insurance Board).
- Grief and sorrow experienced by relatives or friends of a deceased victim.

The following types of awards can be made:

Lump Sum Awards

The Board may award up to a maximum amount of $25,000 for the injury arising out of an incident. If more than one person is affected by an occurrence, the maximum award to all applicants in respect of any one occurrence cannot exceed $150,000. Lump sum awards are the awards most frequently issued by the Board.

Periodic Awards (monthly payments)

Where the Board is satisfied there is an on-going financial loss (e.g. lost wages as a result of permanent injury), it can award up to a maximum payment of $1,000 per month, totalling $365,000 for all applicants affected by a single occurrence. If

both a lump sum and a periodic award are made, the amount of the lump sum component cannot exceed $12,500. Periodic awards are reviewed regularly and may cease at a future date.

Interim Awards (Section 14 of the Compensation for Victims of Crime Act)

Where there is an immediate need for compensation to cover medical expenses, support and/or funeral expenses, the Board may authorize those expenses to be paid in advance of the hearing. This can only be provided where the Board has sufficient evidence that an award will likely be granted following the hearing.

Variation Awards (Section 25 of the Compensation for Victims of Crime Act)

After a hearing, the Board may vary an order for payment in certain instances such as where there has been a change in circumstances. A variation can only be granted if an award was made initially.

THE PROCESS

Filing a Claim

Claim packages are available through the Criminal Injuries Compensation Board website at www.cicb.gov.on.ca and can be requested by telephone at toll-free: 1-800-372-7463, locally (GTA): 416-326-2900, and in writing to 439 University Avenue, 4th Floor, Toronto, Ontario M5G 1Y8.

Information Gathering Stage

In order to determine whether to award compensation to an applicant, the Board requires sufficient evidence that a crime of violence took place and the relevant circumstances surrounding the incident, the nature of the injury, and the expenses or wage loss for which the applicant is seeking compensation. Board staff assists with identifying information that is required to support the claim, such as hospital, medical, dental, therapy and/or court reports directly related to the incident. If the incident was reported to the police, the Board will contact the police service involved and request a written report.

The Hearing

Once all of the relevant documentation is provided, Board members decide on the application after holding either an oral or written hearing. During an oral hearing, parties and witnesses give sworn testimony either in person or sometimes by telephone. During a written hearing, the Board members make a decision based on the documents and information available on the file. The applicant, the offender and the Attorney General are all parties to the hearing and may provide documentation and/or attend an oral hearing.

Once the hearing is complete, the Board prepares a written order and sends it to the parties. If the Board has decided to award compensation to the applicant, a cheque is sent to him or her along with the written order.

After the Hearing

If an applicant does not agree with the Board's order and that decision was made by a single Board member, the applicant can request that the matter be reviewed by two or more Board members by making the request to the Board within 15 days of receiving the original decision. If the original decision was made by more than one Board member, it can only be appealed on a question of law to the Superior Court of Justice (Divisional Court) within 30 days of receiving the order.

BOARD MEMBERS

The composition of the Board is intended to reflect the diversity of Ontario's population and its various regions. The following individuals were members as of March 31st, 2011.

Chair	First Appointment	Current Appointment
Maureen Armstrong	August 21, 2008	August 21, 2008 to August 20, 2011

Vice Chairs	First Appointment	Current Appointment
Paula Klein	March 18, 1993	November 16, 2007 to November 20, 2011
Al Spadaccini	June 30, 2006	December 29, 2007 to March 9, 2012
Anne Stanfield	November 1, 1973	Open-ended
Maria Tassou	June 6, 2007	May 26, 2011 to May 26, 2014

BOARD MEMBERS

	First Appointment	Current Appointment
M Saleem Akhtar	September 8, 2009	September 8, 2009 to September 7, 2011
Lisa Barazzutti	October 20, 2010	October 20, 2010 to October 19, 2012
George Berrigan	February 7, 2007	February 6, 2009 to February 6, 2012
Marion Boyd	October 8, 1999	October 7, 2009 to October 7, 2012
John Brothers	June 1, 2005	May 31, 2008 to May 31, 2013
Nicole Chenier-Cullen	September 8, 2009	September 8, 2009 to September 7, 2011
Emily Crocco	December 3, 2008	December 2, 2010 to December 2, 2013
Roderick Flynn	June 6, 2007	June 5, 2009 to June 5, 2012
Keith Forde	October 20, 2010	October 20, 2010 to October 19, 2012
Gemma Harmison	September 3, 2000	March 5, 2011 to March 5, 2016
Jacqueline Harper	October 20, 2010	October 20, 2010 to October 19, 2012
Jo-Anne Hughes	October 22, 2008	October 21, 2010 to October 21, 2013
Christie Jefferson	June 2, 2010	June 2, 2010 to June 1, 2012
Wendy King	October 20, 2010	October 20, 2010 to October 19, 2012
Kirsten Kurzuk	December 3, 2008	December 2, 2010 to December 2, 2013
Susan Lee	April 13, 2011	April 13, 2011 to April 12, 2013

William Liber	March 11, 1996	March 10, 2009 to March 10, 2012
Janet MacEachen	September 8, 2009	September 8, 2009 to September 7, 2011
Ronaq Massey	April 29, 1999	April 28, 2007 to April 28, 2012
Charlotte McQuade	September 8, 2009	September 8, 2009 to September 7, 2011
Willson McTavish	February 3, 2003	February 2, 2007 to February 2, 2012
Jay Meunier	September 8, 2009	September 8, 2009 to September 7, 2011
Virginia Morra	June 6, 2007	June 5, 2009 to June 5, 2012
Aggrey Msosa	September 8, 2009	September 8, 2009 to September 7, 2011
Stanley Newman	June 1, 2005	May 31, 2011 to May 31, 2013
John R. Radmore	February 18, 2004	February 17, 2007 to February 17, 2012
Veda Rangan	September 8, 2009	September 8, 2009 to September 7, 2011
Kabir Ravindra	June 6, 2007	June 5, 2009 to June 5, 2012
Sharon A. Saunders	October 9, 2002	October 8, 2009 to October 8, 2013
Linda Spears	June 13, 2007	June 12, 2011 to June 12, 2016
Dawn Sullivan	February 7, 2007	February 6, 2009 to February 6, 2012
Norma Telfer	September 8, 2009	September 8, 2009 to September 7, 2011
Leni Untinen	February 7, 2007	February 6, 2009 to February 6, 2012
Dawn Wickett	June 6, 2007	June 5, 2009 to June 5, 2012

CICB BOARD SUMMARIES

Annually, the Board outlines its application of the *Compensation for Victims of Crime Act*, by preparing a summary of a sample of orders. The following claims and resulting orders illustrate some of the issues considered when rendering decisions and the associated awards given. In an effort to protect the privacy of victims who courageously and candidly disclose a great deal of highly sensitive and personal information to the Board, we endeavour to remove detail from these summaries which could identify the victim even where the case involved a public hearing.

1001-82128 – Domestic Assault

The female Applicant claimed that she was physically assaulted by her male partner on multiple occasions over a three year period while they lived together in Toronto. In addition to the physical assaults, he threatened her with severe violence and damaged furniture using a knife. The violence included forceful grabbing and pushing, slaps to the face and body and hair pulling. Some time after the relationship ended, the Offender forced his way into her home and attacked her. He threatened her with a knife and choked her into unconsciousness by wrapping an extension cord around her neck. He also threatened to burn her genital area with a curling iron. Neighbours contacted the police on that occasion and the Offender was arrested. For that incident, the Offender was convicted of Assault and Uttering Threats contrary to Sections 266 and 264.1 respectively of the *Criminal Code* and he was sentenced to 90 days custody.

The Applicant sustained bruising to her head, neck and body as a result of these assaults but she did not require or receive medical treatment. She was suffering from pre-existing psychological injuries stemming from similar past domestic abuse involving another partner and her symptoms included nightmares, depression, anxiety and fear. The incidents involving her current situation exacerbated the pre-existing condition. Her symptoms interfered with her ability to work and she eventually terminated her employment and was supported through social service benefits.

Decision:

The Board found that the Applicant suffered multiple soft tissue injuries as a result of the numerous assaults over the three year relationship. The Board made a global assessment of the cumulative impact of the combined incidents and awarded her $8,000.00 for pain and suffering. The Board also made a $4,000.00 contribution toward the Applicant's income loss since other factors unrelated to her claim were also responsible for her disability.

0910-80448, 0910-80450 and 0910-80451– Homicide

These three related claims were brought by three siblings of a young woman who was murdered by several Offenders who were all convicted of offences under the *Criminal Code* and sentenced to lengthy prison terms. Each had been told by their mother about the tragedy.

The Applicants sought an award for pain and suffering and they expressed an interest in receiving counselling to help them deal with their emotional upheaval.

Decision:

Where a death has occurred as a result of a crime of violence, family members are eligible for a range of compensation under the Act. These are as follows:

- Expenses related to funeral and burial services;
- Loss of income that the victim had provided to support a dependant;
- Expenses incurred by a non-parent related to the support of the victim's minor children;
- Bereavement counselling to assist in coping with the immediate grief symptoms;
- Any other expense related to the death that the Board deems reasonable to incur.

In addition, under the Act, an Applicant, who is not the direct recipient of violence, may be also be eligible for compensation as a victim themselves where the individual is able to establish that he or she has sustained the injury known as mental or nervous shock.

This injury is a legal term rather than a medical diagnosis and the criteria for establishing proof of the injury have been defined by Courts over many years.

To be eligible, one must prove the following elements:

1. The occurrence was exceedingly violent in nature;

2. The individual maintained a close personal relationship with the deceased Victim;

3. The individual sustained a significant recognized psychiatric/psychological injury directly induced from the shock of witnessing the occurrence or coming upon the crime scene in its immediate aftermath.

On October 4, 2010, the Divisional Court reaffirmed these criteria in the decision of F. K. v. Criminal Injuries Compensation Board, 2010 ONSC 5468 stating *"It is necessary that the claimant see or hear the accident or event or its immediate aftermath and suffer nervous shock as a result. No liability is imposed for nervous shock suffered by someone who is simply told about or informed of the accident."*

The Board awarded each applicant up to $2,400.00 for bereavement counselling. No other expenses were sought.

In applying the definition of mental or nervous shock to the claimants' cases, the Board could not overlook the fact that they did not witness the crimes of violence against the Deceased Victim and they did not come upon the scene of the crime shortly after the incident took place. Consequently, the Board was unable to find that the Applicants satisfied the criteria and, thereby denied their claim for mental or nervous shock.

0911-81137 - Attempt Murder

The Applicant and her boyfriend were driving home along a city street when another car pulled up on her right side and she heard shots being fired. She saw several holes emerge in her windshield and then realized that her boyfriend, who was in the passenger seat, had been shot. She called 911 and rushed him to a nearby hospital. Due to the suddenness of the attack, the Applicant was unable to get a clear look at the suspect vehicle or its occupant(s). She and her boyfriend had no known conflicts with anyone and they were unaware of the motive for the shooting. The shooter(s) were never apprehended.

The Applicant was not physically injured but she testified that she was emotionally impacted by the event. She became fearful, angry, withdrawn and had difficulty sleeping or concentrating on her studies.

She initiated a call to a Crisis Hotline to help cope with her emotional issues but found little relief and discontinued. She did not pursue any other therapy.

Decision

The Board found the Applicant to be a victim of an attempt murder and thereby a victim within the meaning of Section 5 (a) of the Act. In assessing a pain and suffering award, the Board considered the Applicant's emotional harm, the fact that the matter was left unresolved, and that her psychological state was exacerbated by the fact that her boyfriend was struck by a bullet and suffered a physical injury. In light of the foregoing, the Board awarded the Applicant $3,000.00 for pain and suffering

1001-81994-Sexual Assault

The Applicant made a claim of behalf of her 16 year old daughter (Minor Child) alleging that the Minor Child was sexually assaulted by two male persons who were both under the age of 18 years. The Minor Child and a friend went to her friend's boyfriend's house to socialize and consume alcohol. The Minor Child became intoxicated and the two assailants began touching her inappropriately while others in attendance videotaped the activity.

Despite the Minor Child's verbal objections and physical resistance, the assailants took turns performing forced sexual assault on the Minor Child. After the assault, two other male persons drove the Minor Child to a friend's house and, along the way, they unsuccessfully attempted to coerce the Minor Child into performing sexual acts with them. A couple of days later the police were called and the assailants were charged. Prior to their trial, the assailants threatened to post the video of the incident on the internet. Following the incident, the Minor Child experienced crying spells, panic and anxiety attacks, depression, eating disorders, social isolation and low self-esteem. She did not attend school regularly and began using street drugs. She attempted suicide by drug overdose during the criminal trial. The Minor Child received medications and a prolonged period of psychotherapy.

The Applicant claimed wage loss of 145 days of income to take the Minor Child for treatment to various treatment providers. However, evidence indicated that the Applicant received work benefits for the days she was absent.

Decision

The Board found the Minor Child to be a victim of sexual assault and thereby a victim within the meaning of Section 5 (a) of the Act. In assessing compensation, the Board considered the Minor Child's age when the incident occurred, the fact that there were multiple assailants, the nature of the assault and the overall emotional impact. She was thereby awarded $15,000.00 for pain and suffering.

After assessing the Applicant's actual wage loss circumstances, the Board awarded a contribution of $1,000.00 in this regard.

1006-83679-Domestic Assault

The 46 year old Applicant brought his claim before the Board in connection with physical and emotional injuries suffered as a result of being sexually assaulted by his older brother and being physically assaulted by his father and grandmother.

The incidents took place frequently and occurred when he was between five and fourteen years of age. The Applicant's father and grandmother were chronic substance abusers with extremely violent dispositions. While they restricted themselves to various forms of physical abuse of the Applicant, his brother was a sexual sadist who preyed on the Applicant throughout his childhood.

The Applicant believes that his whole family knew about the sexual abuse but did nothing to stop it. The incidents were never reported to authorities since the Applicant feared worse reprisals for disclosing.

The Applicant testified that he sustained various physical injuries from all of the abuse which included bruises, cuts, abrasions and sexually transmitted diseases. The abuse had a significant and lasting impact on his emotional well-being.

He was forced to leave home at the age of 14 and he became a prostitute three years later.

Decision

The Board found the Applicant to be a victim of physical and sexual assault and thereby a victim within the meaning of Section 5 (a) of the Act. The Applicant's case was presented in such a way that it was impossible for the Board to establish exactly what injuries resulted from which occurrence and certainly the evidence suggested that the significant physical and psychological impact of all of the abuse was cumulative over time.

The Board accepted that there were multiple occurrences involving each of the assailants and thereby made a global assessment of $20,000.00 for pain and suffering, taking into account the cumulative effect of each of the occurrences on the Applicant.

The Board also awarded the Applicant with travel to Hearing expenses reimbursed at a usual Board rate of $0.40 per kilometre.

0912-81554-Sexual Assault

The Applicant brought a claim for being sexually assaulted on multiple occasions by her family physician. The incidents took place at the physician's medical office during the course of examinations while the Applicant was 55 to 62 years old. The assaults included inappropriate comments and sexual touching. Despite the Applicant voicing her discomfort to the physician, he continued his behaviour in an escalating fashion with each visit.

Her serious medical difficulties, combined with the lack of other medical services in the remote community, left her with little option but to endure the abuse. She was afraid to disclose the behaviour because the physician was influential in the community and he was a personal friend to her husband. Prompted by learning of similar complaints from other female patients, she disclosed her situation to her family and the police. The physician was charged and she, along with 17 other victims, participated in the criminal trial. The physician was acquitted by the Court but his medical licence was suspended by the College of Physicians and Surgeons of Ontario. Despite the abundance of victims who came forward, she was ridiculed in the community and subjected to a campaign of harassment by local residents.

She testified that the emotional impact of the incidents was serious and permanent. For many years, she thought that she was the only victim and she had no support. She felt helpless, dirty, humiliated and embarrassed. She became angry and introverted due to being shunned by her former friends and associates. She suffered from nightmares of the incidents and had trouble trusting people or accepting affection. She received short and sporadic counselling sessions and, although she found them helpful, her ability to continue was hampered by her age and limited availability to transportation.
The Applicant owed $1,200.00 to her therapist for 12 sessions.

Decision

The Board found the Applicant to be a victim of sexual assault and thereby a victim within the meaning of Section 5(a) of the Act. In assessing compensation, the Board was mindful that the Offender abused his position of trust and that there was a sustained negative emotional impact to the Applicant. Taking into account the cumulative effect of all the occurrences on the Applicant, the Board awarded $15,000.00 for pain and suffering, paid the therapist for the owed sessions, and made a provision for future counselling to the Applicant.

0910-80808—Domestic Assault

The 36 year old female Applicant claimed compensation for injuries sustained during a single incident of assault committed against her by her boyfriend. The Applicant testified that she and her boyfriend engaged in an argument about a financial matter. He reacted by pinning the Applicant to the floor and punching her several times about the face. He then placed a knife to her throat and slightly cut her neck while threatening to kill her. After the attack, the Applicant took an overdose of prescription pills and was subsequently taken to hospital by ambulance where she was treated for her injuries from the assault and the drug overdose. Her boyfriend was arrested and later convicted of assault with a weapon.

The Applicant suffered assorted bruising and cuts to her face and body that healed without complication. Following the incident, she experienced a great deal of anger, anxiety and insomnia which continued for a prolonged period of time. She was depressed and had trouble forming relationships with men because of trust issues. The Applicant requested that the Board consider funding counselling sessions to assist her in dealing with these issues.

Decision

The Board found the Applicant to be a victim of an assault and thereby a victim within the meaning of Section 5(a) of the Act. In deciding compensation, the Board was mindful of the nature of the assault, that a weapon was used, the context of her relationship with the assailant, her physical injuries and the emotional impact on the Applicant. In light of the foregoing, the Board awarded compensation for pain and suffering in the amount of $4,000.00.

In addition, based on the Applicant's stated intention to enter into therapy in the near future, the Board authorized up to $1,200.00 for therapy expenses.

1005-83671-Assault

The Applicant brought an application in relation to an assault and robbery that occurred in his home. He met an adult male on the Internet and invited him to his house for drinks. After some friendly conversation, the assailant suddenly picked up a whiskey bottle and struck the Applicant several times about the face and head thus rendering him unconscious. He woke to find himself gagged and bound with the assailant holding a knife to his throat. The assailant made him open a safe from which he stole a quantity of cash before leaving the house with the money and some other property. Prior to leaving, the assailant threatened that if the police were notified, he would come back and kill him and his grandchildren. He was so terrified by the threats that he did not report the matter to the police. The Applicant suffered multiple facial fractures and several broken teeth that required extensive medical and dental treatment. He also sustained some short term memory loss and had difficulty with concentration. He tried not to dwell on the incident but he was left with bouts of anxiety, depression, introversion and fear.

The Applicant requested reimbursement for the cost of prescription pain medications and submitted the receipts to the Board. He also requested consideration for future dental work that had been assessed by his dentist.

Decision

The Board found the Applicant to be a victim of a Robbery with violence and thereby a victim within the meaning of Section 5(a) of the Act. As in all cases before the Board, consideration must be given to section 17 (2) of the Act. The section reads as follows:

"The Board may, in its discretion, refuse to make an order for compensation or order a reduced amount of compensation where it is satisfied that the applicant has refused reasonable co-operation with, or failed to report promptly the offence to, a law enforcement agency."

Although the Applicant failed to report the incident to the police, the Board was satisfied that he failed to do so out of a real and reasonable fear for his own life and the lives of his family. Accordingly, the Applicant's claim for compensation was not adversely affected. He was awarded $10,000.00 for pain and suffering, $88.00 for medication expenses and $5,086.87 was pre-authorized for future dental services.

CONTACT INFORMATION

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